

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHATEACE BOWERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:18-cv-166-ALB-SRW
)	
NAVIENT SOLUTIONS, LLC, <i>et al.</i>,)	
)	
Defendants.)	

ORDER

On December 27, 2018, the Magistrate Judge filed a Recommendation (Doc. 39) to which timely objections have been filed. (Docs. 41, 42, 50, and 51). After an independent and *de novo* review of the record, the Recommendation, and the objections filed to the Recommendation, this Court concludes that (1) the objections to the Magistrate Judge’s Recommendation as it relates to Defendant Navient Solutions, LLC’s (“Navient”) Motion to Dismiss Plaintiff’s Complaint (Doc. 23) should be overruled; (2) the Magistrate Judge’s Recommendation as it relates to Navient’s Motion to Dismiss Plaintiff’s Complaint is due to be adopted; and (3) pursuant to Plaintiff Shateace Bowers’s (“Bowers”) Notice of Voluntary Dismissal (Doc. 53) and this Court’s order dismissing Defendant United States Department of Education (“DOE”) from this action (Doc. 54), the DOE’s Motion to Dismiss (Doc. 24) is due to be denied as moot, and the objections to the

Magistrate Judge's Recommendation as it relates to the DOE's Motion to Dismiss should be overruled as moot.

Accordingly, it is **ORDERED** that:

1. The Recommendation of the Magistrate Judge (Doc. 39) as it relates to Navient's Motion to Dismiss Plaintiff's Complaint be and is hereby **ADOPTED**;
2. The parties' objections (Docs. 41 and 42) to the Magistrate Judge's Recommendation as it relates to Navient's Motion to Dismiss Plaintiff's Complaint are hereby **OVERRULED**;
3. Navient's Motion to Dismiss Plaintiff's Complaint (Doc. 23) is **GRANTED IN PART** and **DENIED IN PART**; Bowers's claim for Willful Noncompliance with the FRCA against Navient, Count 10 of the Complaint, is **DISMISSED** with leave to file an Amended Complaint no later than July 22, 2019;
4. Pursuant to Bowers's Notice of Voluntary Dismissal (Doc. 53) and this Court's order dismissing DOE from this action (Doc. 54), the DOE's Motion to Dismiss (Doc. 24) is hereby **DENIED AS MOOT**, and the parties' objections (Docs. 42, 50, and 51) to the Magistrate Judge's Recommendation (Doc. 39) as it relates to the DOE's Motion to Dismiss are hereby **OVERRULED AS MOOT**.

DONE and **ORDERED** this 1st day of July 2019.

/s/ Andrew L. Brasher
ANDREW L. BRASHER
UNITED STATES DISTRICT JUDGE